

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRANDEN R. RUTLAND,

Plaintiff,

-against-

1:15-cv-0448 (LEK/DJS)

LOWE'S HOME CENTER'S LLC, *et al.*,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on August 12, 2015, by the Honorable Randolph F. Treece, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 5 (“Report-Recommendation”). On September 23, 2015, the Court granted *pro se* Plaintiff Branden Rutland’s (“Plaintiff”) Letter Request for an extension of time to file objections to the Report-Recommendation. Dkt. Nos. 6 (“Letter Request”); 7 (“Order”). Plaintiff timely filed Objections. Dkt. No. 9 (“Objections”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Chylinski v. Bank of Am., N.A., 434 F. App’x 47, 48 (2d Cir. 2011); Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306-07 & n.2 (N.D.N.Y. 2008); see also Machicote v. Ercole, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and

Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument."). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b).

Plaintiff's Objections do not address specific aspects of Magistrate Judge Treen's findings. Rather, Plaintiff objects to Judge Treen's conclusion that the allegations in the Complaint were "wholly fantastical." Objs. at 7. In support of this Objection, Plaintiff merely reiterates allegations from his Complaint. See generally Objs. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

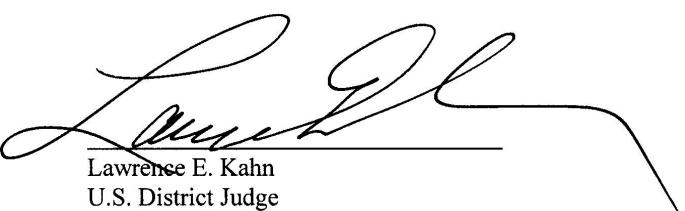
ORDERED, that the Report-Recommendation (Dkt. No. 5) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: October 27, 2015
Albany, New York



Lawrence E. Kahn
U.S. District Judge